

Renu Devi Vs. State of Jharkhand and ors.

Renu Devi Vs. State of Jharkhand and ors.

SooperKanoon Citation : sooperkanoon.com/520452

Court : Jharkhand

Decided On : Jul-17-2008

Reported in : [2008(3)JCR506(Jhr)]

Judge : Gyan Sudha Misra, C.J. and; M.Y. Eqbal, J.

Appellant : Renu Devi

Respondent : State of Jharkhand and ors.

Judgement :

ORDER

1. This appeal has been preferred by the appellant. Renu Devi, against the order dated 10.6.2008 passed by the learned single Judge in W.P. (S) No. 4550 of 2007 by which her appointment on the post of Anganbari Sevika has been cancelled holding therein that her appointment has rightly been cancelled as she was not below the poverty line which was a condition precedence for appointment on the post of Anganbari Sevika.

2. The learned single Judge while dismissing the writ petition took notice of the fact that the respondent's' decision to hold Gram Sabha wherein the resolution could be passed regarding the appointment on the post of Anganbari Sevika after considering the applicant's eligibility as to whether she is below the poverty line or not, was an appropriate decision and hence, the same was not allowed to be assailed by the appellant.

3. Challenging the order passed by the learned single Judge, it was submitted that the appointment on the post of Anganbari Sevika could not have been denied merely due to the fact that the father-in-law of the appellant was owning a residential house, as the appellant and her husband were living separately and both of them are unemployed. The question, therefore, arose as to whether the owning of some landed property by the father-in-law of the appellant seeking employment, could be the sole criterion for denying her appointment on the post of Anganbari Sevika and for that purpose, the matter could have been admitted. But at this stage, wiser sense has prevailed over the appellant who has agreed that the Gram Sabha may decide as to whether the appellant or any other incumbent is eligible to claim the appointment. Learned Counsel for the appellant, however, has prayed that the appellant is functioning on the post of Anganbari Sevika and until the resolution, one way or the other, is passed, her appointment should not be quashed or set aside.

This Court has no difficulty in accepting this request, for if the appellant is already functioning on the post of Anganbari Sevika and the matter is admitted in this Court merely to consider as to whether the cancellation of her appointment was justified or not, the same is bound to compound the problem as the post will remain vacant until the resolution is passed by the Gram Sabha which would not incur any benefit to any of the contesting parties.

4. We, therefore, dispose of this appeal by allowing the respondents to conduct the proceedings in the Gram Sabha where the question of appointment on the post of Anganbari Sevika on the basis of the criteria of poverty line will be considered, but we find substance in the submission of learned Counsel for the appellant that until the resolution is passed, the appellant should be allowed to continue on the post. As already indicated, we see no difficulty in accepting this request. Hence, we dispose of this appeal with a direction that unless the resolution is passed by the Gram Sabha approving or disapproving the appointment of the appellant, the appellant shall be allowed to continue on the post of Anganbari Sevika, in case no one else is functioning on the post of Anganbari Sevika on date.

